

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  676025	(X2) MULTIPLE CONSTRUCTION A. Building B. Wing	(X3) DATE SURVEY COMPLETED  09/17/2024
NAME OF PROVIDER OR SUPPLIER  Autumn Leaves Nursing and Rehab Inc		STREET ADDRESS, CITY, STATE, ZIP CODE  321 Kilgore Drive Henderson, TX 75652	

For information on the nursing home's plan to correct this deficiency, please contact the nursing home or the state survey agency.

(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (Each deficiency must be preceded by full regulatory or LSC identifying information)
<p>F 0573</p> <p>Level of Harm - Minimal harm or potential for actual harm</p> <p>Residents Affected - Few</p>	<p>Let each resident or the resident's legal representative access or purchase copies of all the resident's records.</p> <p><b>**NOTE- TERMS IN BRACKETS HAVE BEEN EDITED TO PROTECT CONFIDENTIALITY** 47339</b></p> <p>Based on interview and record review the facility failed to allow residents to obtain a copy of the records or any portions thereof upon request and 2 working days advance notice to the family for 1 of 1 (Resident #1) residents reviewed for the right to access copies of records.</p> <p>The facility failed to provide medical records for Resident #1 to her attorney within two working days of a request on 07/31/2024.</p> <p>This failure could place residents at risk by causing a negative health impact due to not having continuity of care.</p> <p>Findings included:</p> <p>Record review of a face sheet dated 9/16/2024 indicated Resident #1 was an [AGE] year-old female who admitted on [DATE] and readmitted on [DATE] with the diagnoses of paroxysmal atrial fibrillation (irregular often rapid heart rate that causes poor blood flow), dementia with behavioral disturbance (impaired concentration, apathy, anxiety, and agitation), and asthma (cough, wheeze, shortness of breath and chest tightness).</p> <p>Record review of a the annual comprehensive MDS dated [DATE] indicated Resident #1 was usually understood, and usually understood others. The MDS indicated Resident #1's BIMS was a 12 indicating moderate cognitive impairment.</p> <p>Record review of a discharge MDS dated [DATE] indicated Resident #1 discharged from the facility and return was not anticipated.</p> <p>Record review of a certified mail receipt dated 7/31/2024 indicated the facility's Receptionist signed a receipt of a medical records request from a law firm regarding Resident #1.</p> <p>Record review of a formal letter records request for Resident #1's attorney dated 7/29/2024 indicated, enclosed please find an authorization for the release of protected health information. Please provide [Resident #1's] records electronically within 48 hours of receiving this notice. The formal request also included a signed release form from the power of attorney.</p> <p>(continued on next page)</p>

Any deficiency statement ending with an asterisk (\*) denotes a deficiency which the institution may be excused from correcting providing it is determined that other safeguards provide sufficient protection to the patients. (See instructions.) Except for nursing homes, the findings stated above are disclosable 90 days following the date of survey whether or not a plan of correction is provided. For nursing homes, the above findings and plans of correction are disclosable 14 days following the date these documents are made available to the facility. If deficiencies are cited, an approved plan of correction is requisite to continued program participation.

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE	TITLE	(X6) DATE
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<p>F 0573</p> <p>Level of Harm - Minimal harm or potential for actual harm</p> <p>Residents Affected - Few</p>	<p>During an interview on 9/16/2024 at 11:33 a.m., HR said she had worked at the facility for 3 years. She said on 7/31/2024 the Receptionist for the facility had signed for the medical records request via certified mail , and then put it in the mail area on the counter in the front office. She said on 7/31/2024 she had gone through the mail and saw the request and it did not look like a typical medical records request; it had looked like a subpoena. She said she had contacted corporate HR to see how the request should have been handled. She said corporate advised her that the previous owner was responsible for those records. She said Resident #1 was not a resident of the current owner of the building and had discharged from the facility prior to the current owner taking over ownership of the facility on 12/1/2022. She said she had contacted the Previous Owner who then came and picked up the certified mail medical records request on 8/2/2024. She said to her knowledge the facility had not received any other correspondence from the law firm. She said the facility did not send any medical records to the law firm.</p> <p>During an interview on 9/16/2024 at 1:31 p.m., the Paralegal indicated the firm had requested medical records on July 29, 2024, and the facility had signed a certified mail receipt on 7/31/2024. The Paralegal said they had not received any medical records since the request was made. The Paralegal said the firm had received a phone call on 8/02/2024 at 4:02 PM from an Attorney Friend of the previous owner of the facility. The Attorney Friend indicated he was not representing the Previous Owner but was trying to help as a friend. The Attorney Friend indicated the Previous Owner was not ignoring the request for medical records, but it may take longer than the 48 hours requested in the letter.</p> <p>During an interview on 9/16/2024 at 2:19 p.m., the Administrator said when a request was received the request was sent to the corporate level for processing. The Administrator said when there was a delay in sending the medical records there could be a delay of a resolution.</p> <p>During an attempted interview on 9/17/2024 at 2:39 p.m. the Surveyor called and left a voicemail for the Previous Owner. The Surveyor had not received a return call by the time of exit.</p> <p>During an interview on 9/18/2024 at 8:39 a.m. after exit, the Surveyor received a return call from the Previous Owner who said that she had received a notice from the facility of the medical records request. She said on 8/02/2024 she went to the facility and picked up the medical records request. She said she called an Attorney Friend of hers who then reached out to the law firm that was requesting the records and let them know the request had been received. She said she had not contracted the services of the Attorney Friend, but the Attorney Friend was trying to help her and advised her not to send any records to the law firm. She said the Attorney Friend advised her to notify her insurance company and to let them handle the situation. She said she was advised from the insurance company to just wait and see what happens due to the statute of limitations would run out on 11/30/2024. She said she had not sent any of the requested records to the law firm as of 9/18/2024. She said she could send the requested medical records by the end of the day on 9/18/2024 if the law firm still needed them. She said she had never been sued before and was not sure how to handle the situation but said the facility did the right thing by reaching out to her for the medical records. She said she did not contact the law firm to advise them that she was the previous owner and that she had the requested medical records.</p> <p>Record review of an Record Requests policy, undated, revealed:</p> <p>Residents or their authorized legal representatives have the right to access and obtain copies of their records.</p> <p>(continued on next page)</p>		

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<p>F 0573</p> <p>Level of Harm - Minimal harm or potential for actual harm</p> <p>Residents Affected - Few</p>	<p>* Upon the request and two working days' advance notice to the community, the resident or their authorized legal representative per state requirements has the right to purchase photocopies of the records or any portions therein. The community requires a written request for copies as a cost per state copy fees may apply.</p> <p>1. The community will notify the company medical records oversight designee, the Administrator and DON of the request, to review the legal right to access and approval prior to the release of any clinical records.</p> <p>6. If the request is accepted and is for a copy of records, a bill for copying services may be sent. The records will then be provided to the resident .</p>		